

Weighmaster Enforcement

Program Manual



**State of California
Department of Food and Agriculture
Division of Measurement Standards
8500 Fruitridge Road
Sacramento, CA 95826
www.cdffa.ca.gov/dms/**



WEIGHMASTER ENFORCEMENT MANUAL

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WEIGHMASTER LICENSING REQUIREMENTS

SECTION 1

INTRODUCTION TO WEIGHMASTER LICENSING

California Business and Professions Code (BPC), Division 5, Chapter 7, Section 12700 defines a weighmaster as follows:

“A weighmaster is any person who, for hire or otherwise, weighs, measures, or counts any commodity and issues a statement or memorandum of the weight, measure, or count which is used as the basis for either the purchase or sale of that commodity or charge for service.”

These businesses and persons include such locations as agricultural processors, dealers, packers, warehouses, and growers; livestock auctions, feed yards, dairies, slaughter houses, and rendering plants; rock, sand, gravel, ready mix, asphalt, landscape, and gunite suppliers; fish processors, scrap metal and salvage material yards, fertilizer plants, timber and lumber mills, public scales, moving and storage companies, and mining operations.

There are several exceptions to this basic requirement too numerous to list here, but those exceptions are enumerated in Section 12701 of Chapter 7.

WEIGHMASTER LICENSE APPLICATION GUIDELINES

Instructions for completing an application for a weighmaster license are on the back. The application remains in the license file until the license cancels.

Licensed weighmasters occasionally change names, incorporate, add or delete partners, or make other changes that require a new license or a change on their license. The following guidelines are used to determine the actions required, ensuring that each license is correct.

1. New application and fees are required due to: **BPC 12705**
 - A. Change of ownership.
 - B. Retirement or death of a partner or the sole owner.
 - C. Any change in partnership (deletion or addition).
 - D. Change from a DBA (doing business as) to a corporation or vice versa.
 - E. Sale of all corporate stock **IF** the buyer also changes the license name.
2. New application and fees are **NOT** required for:
 - A. Purchase or sale of all or part of the corporate stock.
 - B. Change of business name when the owners or corporate structure does not change.
 - C. Change of **MAILING** address.

Changes - Additions and Deletions

1. If a weighmaster changes the principal weighing location, a new principal fee is not required. The new principal location can be added as a branch for the remainder of the license year, then designated the principal upon renewal. **BPC 12735**
2. Branches and deputies may be added at any time during the license year. The location and/or deputies are considered licensed when the envelope with fees is postmarked. Additions shall be accompanied by a new application for Weighmaster License.
BPC 12710 and 12710.5(c)
3. Deputy fees are required for **all persons** who issue certificates for a corporation, LLC or LLP.
BPC 12704(a)(4)
4. Deputy fees are **NOT** required for:
 - A. The partners that are doing business as (DBA) license WEIGHMASTER name.
BPC 12735
 - B. An owner is doing business as (DBA) license WEIGHMASTER name. **BPC 12735**
 - C. Replacement of deputies if the name of the replacement deputy and any deleted deputy is forwarded to the Division of Measurement Standards (DMS). **BPC 12710.5(a)**

For specific situations not addressed in these guidelines, the weights and measures officials or weighmaster should contact the DMS license clerk or the Liaison and Training Unit. Retain a copy of submissions for additions or deletions for proof to weights and measures officials until an updated license is received.

STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF MEASUREMENT STANDARDS (916) 229-3000
www.cdffa.ca.gov/dms FAX (916) 229-3055

SEND THIS APPLICATION AND FEES TO:

DEPARTMENT OF FOOD AND AGRICULTURE
P. O. BOX 942872
SACRAMENTO, CALIFORNIA 94271-2872

WEIGHMASTER LICENSE APPLICATION [42-005 (Rev.4/02)]

COMPLETE PER INSTRUCTIONS ON BACK. ATTACH ADDITIONAL SHEETS IF NECESSARY

PRINCIPAL WEIGHMASTER INFORMATION		2 a. SOLE OWNER, PARTNERSHIPS, & CORP. OFFICERS, ANSWER THE FOLLOWING:	
1. CORP. <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> SOLE OWNER <input type="checkbox"/> LLC <input type="checkbox"/> LLP <input type="checkbox"/> OTHER <input type="checkbox"/>		NAME AND TITLE ADDRESS	
2. OWNER'S NAME (S) (If incorporated, show corporation name as filed with Sect. of State)			
3. WEIGHMASTER BUSINESS LICENSE NAME (include DBA, where applicable)*			
* FICTITIOUS NAME DOCUMENT MUST BE ATTACHED			
4. MAILING ADDRESS		STATE OF INCORPORATION	DATE OF INCORPORATION CORPORATE NUMBER
CITY STATE ZIP	NAME & ADDRESS OF PERSON IN CALIF. AUTHORIZED TO ACCEPT SERVICE OF SUMMONS		
TELEPHONE	EMAIL ADDRESS		
5. PRIMARY FIXED WEIGHING OR MEASURING LOCATION (Street)		12. ADDITIONAL FIXED LOCATION INFORMATION	
CITY STATE ZIP	12 a. WEIGHING OR MEASURING LOCATION (Street)		13. DEPUTY NAMES (Print or Type Names)
COUNTY TELEPHONE FAX NO.	CITY STATE ZIP	1.	
<input type="checkbox"/> NON-FIXED (VARIOUS LOCATIONS)	COUNTY TELEPHONE	2.	
6. WEIGHING OR MEASURING EQUIPMENT USED (Type, Size, and Capacity)	WEIGHING OR MEASURING EQUIPMENT USED (Type, Size, and Capacity)	3.	
7. DESCRIBE YOUR BUSINESS AT THIS LOCATION.	DESCRIBE THIS LOCATION'S OPERATION.	4.	
8. WILL YOU ALSO WEIGH FOR THE PUBLIC AND CHARGE A FEE? YES <input type="checkbox"/> NO <input type="checkbox"/>	WILL THIS LOCATION ALSO WEIGH FOR THE PUBLIC AND CHARGE A FEE? YES <input type="checkbox"/> NO <input type="checkbox"/>	5.	
9. DATE YOU BEGAN OR WILL BEGIN OPERATING AS A WEIGHMASTER UNDER THIS WEIGHMASTER NAME OR THIS OWNERSHIP.	12 b. WEIGHING OR MEASURING LOCATION (Street)	6.	
10. FORMER WEIGHMASTER LICENSE NUMBER AT THIS LOCATION	CITY STATE ZIP	7.	
11. SIGNATURE OF APPLICANT	WEIGHING OR MEASURING EQUIPMENT USED (Type, Size, and Capacity)	8.	
PRINTED NAME	DESCRIBE THIS LOCATION'S OPERATION	9.	
TITLE		10.	
HOME / EMERGENCY TELEPHONE DATE OF APP.		FEES	
YOU ARE RESPONSIBLE FOR INSURING YOUR WEIGHMASTER CERTIFICATES CONTAIN ALL INFORMATION SPECIFIED IN STATE LAW. IF YOU WANT YOUR CERTIFICATES REVIEWED FOR COMPLIANCE, SEND A COPY WITH THIS APPLICATION.		FIXED PRINCIPAL @ \$ 75.00 \$ _____ ADDITIONAL FIXED LOCATIONS @ \$ 30.00 \$ _____ OPERATING NONFIXED LOCATIONS @ \$ 200.00 \$ _____ DEPUTIES @ \$ 20.00 \$ _____ TOTALS \$ _____	
WILL THIS LOCATION ALSO WEIGH FOR THE PUBLIC AND CHARGE A FEE? YES <input type="checkbox"/> NO <input type="checkbox"/>		DO NOT SEND CASH	

INSTRUCTIONS

1. Check the box that applies to the ownership of the business.
2. This is the person(s) or corporation(s) that own the business. If the business is a corporation or limited liability company (LLC), show the corporation name only.
- 2a. List the names, titles, and addresses for sole owner, members of a partnership, limited liability partnership (LLP), officers of a corporation, or limited liability company (LLC). If the business is a corporation or a limited liability company, indicate the state in which incorporated, corporate number or federal ID number, date of incorporation, and the name of the authorized agent to accept service of legal notice.
3. The weighmaster license business name is the name to appear on the license and all weighmaster certificates. It may be different from the owner's name(s) and corporation's name if they are doing business as (dba) a fictitious name. **If a fictitious name is used, a copy of the fictitious name document must accompany the application.**
4. Mailing address is the location where **all** correspondences are to be mailed. The telephone number is the one to call if weights and measures personnel need to obtain additional information about the license. Provide e-mail address if applicable.
5. If you have only one fixed weighing or measuring location, put its street address and city in this space. If you have more than one fixed weighing or measuring location, list the additional locations in Number 12. The telephone number shall be the one where the weighing or measuring occurs. If you do not have a fixed weighing or measuring location, indicate "various". If operating both fixed location(s) and non-fixed locations (portable scales, meters, etc., are transported to the customer's location), each applicable type of license must be stated on the application. Provide FAX number if applicable.
6. Weighing or measuring equipment does not have to be in detail. Simply state the type, size, and capacity (e.g., vehicle 70' 50 ton; hopper 20 ton; portable 1,000 lb; 2" 200 gpm).
7. To describe your business at this location, state the type of business and the commodities handled. Example: Grain warehouse of wheat, barley and safflower; public scale for all commodities; rock, sand and readymix; etc.
8. You are not required to do public weighing. Indicate if you plan to issue weighmaster certificates at the request of the public and charge a fee.
9. This establishes your license year. The license is to be renewed on or before the first of this month each year. It is the licensee's responsibility to renew the license when due.
10. Show only the previous weighmaster business license name or weighmaster license number, not the owner's name or business name.
11. This signature shall be affixed by the licensee or a person who has the authority to act as a legal representative for the licensee along with home/emergency telephone and date of application.
12. If you have more than one fixed weighing or measuring location, complete sections 12a and 12b (depending on the number of locations you have). Use additional sheets if necessary. (See items 5 through 7 for instructions.)
13. All persons who will be determining weight, measure or count and/or signing weighmaster certificates must be licensed as deputies. **The only exemptions are partners of a partnership or the sole owner.** If the business is a corporation, there are no exemptions.
14. Fees are for this initial application. If the principal location moves, a fixed branch is added, or deputies are added, additional appropriate fees are required **PRIOR TO OPERATION.**

It is the licensee's responsibility to keep all information and fees current.

If you need additional information or are unsure of anything on this form, call or write the Division of Measurement Standards, License Clerk, 8500 Fruitridge Road, Sacramento, California 95826, telephone (916) 229-3000, fax (916) 229-3055, web site www.cdfa.ca.gov/dms, e-mail address DMS@cdfa.ca.gov/.

The Department of Food and Agriculture has established time periods for the processing of permit applications in compliance with Government Code Sections 15274 - 15378. Failure to comply with these time periods may be appealed to the Secretary of Food and Agriculture, 1220 N Street, P.O. Box 942871, Sacramento, CA 94271-0001, pursuant to regulations set forth in Title 3, California Code of Regulations, Section 300. Under certain circumstances, the Secretary may order that the applicant receive a reimbursement of filing fees.

(Rev. 2/02)

Business Classification by Commodity

00-19 AGRICULTURAL PROCESSORS

(canning, cooking, freezing, drying, crushing, fermenting, etc.)

00 _____	10 Prunes
01 Apricots	11 Raisins
02 Asparagus	12 Sugar Beets
03 Berries	13 Tomatoes
04 Citrus	14 Vegetables
05 Cotton	15 Wineries
06 Freezers	16 Fruit
07 Nuts	17 Milk Processors
08 Peaches	18 Hay, Cubing, Pellets
09 Pears	19 Miscellaneous

20-29 DEALERS, PACKERS, GROWERS

20 _____
21 Avocados
22 Citrus
23 Fruit
24 General Farming
25 Hay
26 Potatoes
27 Vegetables
28 _____
29 Miscellaneous

30-39 LIVESTOCK

30 Liquid Stock Feed
31 Auctions
32 Dairies
33 Fairs
34 Feed Lots
35 Feed Mills
36 Poultry Processors
37 Rendering
38 Slaughter Houses
39 Miscellaneous

40-49 WAREHOUSES

40 Cotton
41 Barley
42 Beans
43 Mb
44 Rice
45 Safflower
46 Seeds
47 Wheat
48 Cold Storage
49 Miscellaneous

50-59 CONSTRUCTION

50 Dry Cement and Pozzolan
51 Asphalt Paving
52 Concrete, Gunite, Ready-Mix
53 Construction sites
54 Lightweight Aggregates
55 Road Oils
56 Rock, Sand, and Gravel
57 Unprocessed Yardage Sales
58 Retail Small Lots
59 Miscellaneous

60-69 FISH

60 _____
61 Bottom Fish
62 Crab
63 Herring
64 Salmon
65 Squid
66 Tuna
67 Aquaculture
68 _____
69 Miscellaneous

70-79 SALVAGE

70 _____
71 _____
72 Glass
73 Nonferrous
74 Paper
75 Plastic
76 Scrap Yards
77 Ferrous Iron
78 _____
79 Miscellaneous

80-89 MISCELLANEOUS

80 _____
81 Compressed Gases
82 Fertilizer and Chemicals
83 General Transportation
84 Mining and Milling
85 Nursery and Nursery Supply
86 Military
87 Public Scales
88 Refinery
89 Samplers and Weighers

90-99 MISCELLANEOUS

90 Sawmills and Timber Van & Storage or Moving & Storage
91 Steel, New, Manufacturing, Fabricating
93 Farm Supply Store
94 _____
95 Log Scalers
96 _____
97 _____
98 _____
99 Miscellaneous

DEVICE NAMES

Computer Input	Device Type
Belt	All belt conveyor scales
Concrete/Mobile	All site mix concrete vehicles
Crane	All crane scales
Feedwagon	All vehicle mounted scales
Hanging	All spring and hanging scales except crane
Livestock	All scales used to weigh livestock directly on the scale
Meter	All meters regardless of commodity
Portable	All portable and dormant platform scales
RR-()	Railroad track scales plus (length)
Scoop	All scoops used for volume measuring
Veh-()	All vehicle scales plus (length)
Veh/RR- ()	Combination vehicle and railroad track scales plus (length)
Unclassified	Any weighing device not listed

WEIGHMASTER

AUDIT INSPECTIONS

SECTION 2

WEIGHMASTER LOCATION INSPECTION PROCEDURE

The following guide for inspection of a weighmaster operation and completion of the audit inspection form is the minimum recommended. Once a person is proficient in the inspection of records and is knowledgeable about proper weighmaster operations, they should be able to detect suspected unlawful actions based on the inspection, and conduct an investigation to prove or disprove suspected unlawful acts.

When you arrive at a location, try to be cognizant of the entire operation both outside and inside the scale house. Make mental notes of anything unusual, such as:

1. Scale Deck - Is it clean, level, straight approaches, in good repair?
2. Scale Surroundings - Are foreign objects close by? Why are they there? Is it uniformly clean or dirty?
3. Vehicles - What type are present? Are there passengers with drivers? Are the trucks too long for the scale? Are tare weights stenciled on them? Do they have vehicle numbers stenciled on them? Are the truck-tractors the same color as the trailers? Do the stenciled numbers on the truck have a sequence with the trailers (i.e., 15-15A-15B)?
4. Containers - What kind are they? What are they constructed of? Are they marked? Do they have tares on them?
5. People Outside - Are many present? What are they doing? Are they part of the operation? Are things operating smoothly?
6. People Inside - How many are present? What are they doing? How are you accepted? Are there vacant desks with weight certificates on them? Why is someone operating the scale? Should someone be at the scale? Does someone go to the scale? Why? What did they do at the scale? Are you delayed at the front desk? Was there a reason?
7. Weighing Procedure - Observe the entire procedure. Is it correct? Listen to what is said. Are predetermined tares used? Are they correct? How are they identified? Who established them? Does the driver do the weighing? Does more than one person in the scale house do the weighing? Are they licensed? Where is the license?
8. Scale – Is it appropriate for the weighing operations? Is it balanced? How much out of balance? What is the minimum scale division? Who would benefit due to the out-of-balance condition? Do the weighmasters know how to balance the scale? Why is it out of balance? Is it in use? Is it sealed? Is the weighing automated and system type approved? Does the printout match the indicator reading?
9. Certificates – Where are the blank ones? Are they readily available? Where are the current and the 4-year records kept? Look in the wastebasket. Are certificates discarded or torn up? What are the dates on partially completed certificates?

Are they dated? Are they pre-signed? Why? Who pre-signed them?

POTENTIAL NON-COMPLIANCE INDICATORS

MEASUREMENTS LESS THAN 20 DIVISIONS

MANUAL ENTRIES ON AUTOMATED SYSTEMS

CALCULATED TARES BEING ROUNDED

NON-TYPE APPROVED SYSTEMS

NUMEROUS CERTIFICATES CLOSE OR AT
80,000 LBS

DIFFERENT HANDWRITING ON CERTIFICATES

NUMEROUS IDENTICAL TARE WEIGHTS

WEIGHTS ENDING IN ODD NUMBERS

DRIVER IN VEHICLES

ONE ID NUMBER FOR MULTIPLE TRAILERS

TRANSMITTER RADIOS NEAR ELECTRONIC
WEIGHT INDICATOR

INCORRECT MULTIPLE COUNTER POISE WEIGHTS

STATE OF CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE DIVISION OF MEASUREMENT STANDARDS		WEIGHMASTER AUDIT REPORT		2 SURVEY <input type="checkbox"/>	ORIGINAL TO COUNTY/STATE YELLOW TO WEIGHMASTER PINK TO STATE GOLD TO REGION/COUNTY																																										
42-909 (Rev. 11/83) Weighmaster License Name (DBA where applicable) 3		DATE: 1 / 1 / 1		License and Branch No. 5 License Expires (ed) 6																																											
Mailing Address 7 City 8 State 9 Zip 10		Location Address 8 City 9 County 10 Weigh the Public 10 <input type="checkbox"/>																																													
Type of Business 11 Telephone 4		VIOLATIONS CCR B&P CODE																																													
Weighing or Measuring Device(s) Describe By Type and Size 12		MISDEMEANORS: CODE A																																													
Certificates (Sample Size) 13 Inclusive Dates of Certificates 14		1. Zero Condition 4000-UR.4.1 12026(b) 17 2. License Available 4401 12026(b) 3. Principal Licensed 12703 4. Location Licensed 12704 5. Deputies Licensed 12703/04 6. Transferred Wts/Signed Worksheets 12712 7. Carried Tares 12026(b)/12722 8. Driver On 12724 9. Disconnecting Vehicles 12728 10. Altered/Omitted Wts./Mesa. 12718(b) 11. Records as Req/Void Copies 12716 12. Correction Certificates 12716.5 13. Predetermined Tares 12026(b)/12722 14. Load Limit (over 80,000 lbs.) 12725 15. Tare, Gross, Net Only 4410 12026(b) 16. Cert. Not Issued as Required 12711 17. Min. Net Load 4002.2 (b) (c) 12026(b) 33 Scales (2.20)																																													
Inspected of 15 Scale Sealed 16		YOU ARE HEREBY NOTIFIED THAT YOU ARE IN VIOLATION OF SECTION(S) 55																																													
To 15 Date 16 By CNTY 16		VIOLATIONS																																													
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LEFT COPY(IES) OF AND REVIEWED: <input type="checkbox"/> CHAPTER 7 <input type="checkbox"/> REGULATIONS 56 <input type="checkbox"/> SAMPLE CERTIFICATE <input type="checkbox"/> P. T. PACKET <input type="checkbox"/> INSTRUCTIONS <input type="checkbox"/> C. T. PACKET <input type="checkbox"/> WARNING SIGN <input type="checkbox"/>		VIOLATIONS																																													
I Acknowledge the Above: 57 58		VIOLATIONS																																													
Company Representative 57 Title 58		VIOLATIONS																																													
Weights and Measures/Div. of Meas. Standards Official(s) 59		VIOLATIONS																																													
Follow Up Needed <input type="checkbox"/>		VIOLATIONS																																													

WEIGHMASTER AUDIT FORM INSTRUCTIONS

Complete the Audit form based on the following instructions. Make sure to press hard enough so all copies are legible. The numerical order listed for completion of the form is not necessarily the order to be used to conduct the inspection. DO NOT USE THE TERM "OK", "YES", "ALL RIGHT", OR "NA" IN THE VIOLATIONS CODE A, B, C INSPECTION BOXES.

1. Enter the date of your audit.
2. Mark the "Survey" box when appropriate. If this is a county subvention audit, mark the "Blank" box and enter "CSA" next to the box.
3. Enter the weighmaster name from the license. This will be either in caps or underlined on the license. If it is a DBA name, use the name after the DBA. Do not list any other name than that shown on the license.
4. Enter the telephone number of the weighing or measuring location, including area code [i.e., (213) 456-7890].
5. Enter the license number from the current license. If the license is not checked, you cannot verify several requirements listed under violations.
6. Enter the expiration date as shown in the upper right hand corner of the license. Put in the entire date (i.e., 5-31-00). If the copy provided is expired, then verify from the deputy on duty that it is the latest the business has available.
7. Enter the mailing address for the principal as shown on the license. Verify this with the person in charge. If the address is wrong or needs to be changed in any way, have the weighmaster notify the Division of Measurement Standards, Sacramento, in writing so the license file may be corrected.
8. Enter the weighing or measuring location where the actual measurement is made (street address or the location description and the city/township at this location). A Post Office Box, just a street name, or just the city or town **is not acceptable**.
9. County this location is in.
10. Check box if "weighing for hire" (weigh the public) is done at this location and wish to be listed as a "Public Scale".
11. Type of business is the general business operation at this location. Refer to Business Classification By Commodity listing for business type and be as specific as possible. List all operations, such as warehouse for beans, corn, barley, peaches, tomatoes, pears, salvage nonferrous, and paper.
12. Enter type of device being used from device names listing including size of device. When inspecting certificates, be alert to any loads that exceed the capacity of the device being used, which are larger than the load-receiving platform or which is below the minimum recommended load. If more than one device is being used enter data for each device.

13. Enter the total number of certificates represented by the lot. This may be the total available at the time of inspection, or the amount within a selected time span, or those issued since the last inspection.

Enter the number of certificates to be inspected (sample size) regardless of how the sample is selected. (Sample size should be as required in Table 1 for the lot size.)

TABLE 1	
Lot Size	*Certificate Sample Size
1 – 3200	All to 50
3201 – 8000	60
8001 – 22,000	120
Over 22,000	240

*** This is a minimum; a larger sample may be used to better determine compliance with the weighmaster code.**

A random selection is suggested; however, you may not detect carried tares, voided certificates, or other recurring irregularities using this method.

14. Enter the inclusive dates of the certificates within the lot.
15. Enter the inclusive numbers of the certificates within the lot.
16. Verify that the device is sealed. Enter the date and the county as shown on the seal. If unsealed, take appropriate action as recommended by the Citation Manual. **BPC 12717**

As you check each certificate, show a slash mark for each violation. In some situations, the word “all” is appropriate. Numbers should be in subtotal (50) only.

When an inspection element is found in violation, then go to the Violations Code section. Refer to instructions for 51, 52, and 53 and enter the appropriate information.

17. Enter the amount when the scale is found in an out-of-balance condition. When a truck scale is out-of-balance by 100 pounds or more and being used, a Criminal Citation or Notice of Proposed Action (**NOPA**) is the appropriate enforcement action. If the scale is out-of-balance and not being used, indicate the reason in the audit remarks section. **BPC 12026(b), CCR 4000-UR.4.1.**
18. Enter one mark if current license is not available at the location being inspected. **BPC 12735, CCR 4401**
19. Enter one mark if the principal location is not currently licensed. **BPC 12703**
20. Enter one mark if the location being inspected is not currently licensed. **BPC 12704**
21. Enter one mark for each unlicensed person that is required to be licensed. **BPC 12703, 12704**

22. If the weights on the certificates have been transferred from a work sheet, enter a slash mark for each unsigned, undated and/or unavailable work sheet. **BPC 12712**
23. Enter one mark for each certificate found where the tare weight was not determined at time of certification and is not established in accordance with the code of regulations. **BPC 12735, 12722**
24. Weighmasters weighing earth, stone, rock, sand, gravel, and asphalt paving material using predetermined tares and weighing with the driver in, must show on the certificate that the driver was on for both gross and tare. Enter a slash mark for each certificate that does not properly identify the situation. **BPC 12724(b)**
25. Enter one mark for each certificate issued if you observed that the entire vehicle did not rest on the scale at time of weight determination. **BPC 12728**
26. Enter one mark for each certificate found when weight, measure, or count has been altered or omitted. **BPC 12718(h)**
27. Enter one mark for each voided certificate that has copies missing and one mark for each record if records have not been preserved for four years. **BPC 12716**
28. Enter one mark for each incorrect certificate which has not been corrected in accordance with the code requirements. **BPC 12716.5**
29. Enter one mark for each incorrect tare weight used on a certificate. **BPC 12735, 12722**
30. Enter one mark for each certificate that shows a gross weight exceeding 80,000 pounds if the weighmaster is weighing the vehicle at the loading site prior to entry onto a public highway. **BPC 12725(a)(b)(c)**
31. Enter one mark for each certificate which has a missing gross tare or net, and the words "gross only", "tare only" or "net only" have not been placed in the appropriate blank spaces. **BPC 12735, CCR 4410(a)(b)(c)**
32. Enter one mark for each certificate not issued when required to be issued. **BPC 12711**
33. Enter one mark for each time the scale has been used to weigh below the minimum net load. This is 20 scale divisions. **THIS MAY NOT APPLY TO ESTABLISHED TARES, THEY MAY BE CALCULATED. BPC 12026(b), 12735; CCR 4002.2(b)(c), CCR 2.20 (UR.3.7, UR.3.8)**
34. Enter one mark when the legend is incorrect as it appears on the weighmaster certificate being used. **BPC 12714(a)**
35. Enter one mark when the principal weighmaster name on the certificate being used does not agree with the principal weighmaster name on the current license. **BPC 12714(b)**
36. Enter one mark for each certificate which does not contain the date on which each weight, measure, or count was determined. **BPC 12715(a)**
37. Enter one mark if the weighing location address on the certificate being used is either incorrect or missing. **BPC 12715(b)**

38. Enter one mark for each certificate that has been issued without the signature of the weighmaster who determined each weight, measure, or count. The signature shall be as listed on the license and the weighmaster shall be able to CLEARLY determine who signed the certificate. **BPC 12714.5, 12715(c)**
39. Enter one mark for each certificate that has been issued without showing the commodity as applicable to the transaction. Commodity description shall be sufficient to distinguish it from similar commodities. **BPC 12715(d)**
40. Enter one mark for each certificate that has been issued without the number of units of the commodity as applicable to the transaction. If the count is applied by the Driver (DC) or Loader (LC), it must be identified on the certificate. **BPC 12715(e)**
41. Enter one mark for each certificate which has been issued which does not show the name of the owner, his or her agent, or consignee. For hay products the name of the grower and the agent. An address must be included as provided by the driver of vehicle. **BPC 12715(f)**
42. Enter one mark for each certificate where the net weight has not been calculated and entered on the certificate as required. **BPC 12715(g)(3)**
43. Enter one mark for each certificate that has been issued and does not contain the tare weights and the code identification or description of boxes, bins, pallets or other containers, when applicable. **BPC 12715(h)**
44. Enter one mark for each certificate that has been issued and does not contain the correct vehicle or container identification as specified in the code. Equipment numbers shall be traceable to the registered vehicle license number through weighmaster records. **BPC 12715(i)**
45. Enter one mark if the units of measure (pounds, tons, gallons, kilograms, cubic yards) or quantity is missing from certificate. **BPC 12715(j)**
46. Enter one mark of each certificate that does not conform to the requirements of the law (i.e., have spaces for required information). **BPC 12714, 12714.5, 12715**
47. Enter one mark for each deputy name not submitted for replacement/deletion or addition. **BPC 12710.5**
48. Enter one mark if certificates in use are not consecutively numbered. One mark for each certificate which contains information that is not clear and legible. **BPC 12714.5**
49. Enter one mark for each certificate having violations not covered above. Identify the type of violation on blank line.
50. Total the number of violations in each subsection. There is no grand total.
51. Enter the date of issue of the certificate.
52. Enter the certificate number.

53. Enter the violation code (A 1-19, B 1-14, C 1-5) to indicate the specific violation(s) on each certificate. You may find that only one deputy is committing the violation or one deputy commits one type of violation while another deputy or deputies commit other violations. You do not have to list all of the certificates with violations. A representative sample is acceptable.
54. An attempt to verify the weights of several vehicle and/or container tares, etc., should be made and that information entered in the appropriate spaces. Refer to the appropriate section in Lesson Plans on Established Tare Weights and Multiple Draft Weighing. Submit appropriate paperwork as specified by the current subvention contract.
55. Itemize and describe the violations, and reference to the specific and correct code sections. This area serves as a Notice of Violation (**NOV**). If a specific person is found in violation, that person should be identified in this section. Any specific instructions should also be noted here.

If you do not find or observe any violations during the audit, DO NOT indicate "Everything is OK" or "No Violations" on the Audit Form. You may have overlooked something.

56. If handout information is reviewed or left with the weighmaster or deputy weighmaster, check the appropriate box.
57. Obtain a signature from a person in authority. In the case of a corporation, this should be a corporate officer, if possible. In all cases, the person of greatest authority should be the one with whom this audit is reviewed. Ensure all violations noted are clearly explained. It is recommended that the weights and measures official contact their supervisor if unsure of the actions necessary to bring the weighmaster into compliance.
58. Have the person signing, show their title (i.e., owner, manager, principal deputy, office manager. etc.).
59. The Weighmaster Audit Report form may be used as a Notice of Violation. When a "Notice of Violation" is required, place a mark in the box. If a follow up is needed mark the box.
60. Sign your name on the Weights and Measures Official line. If two inspectors conducted the audit, both should sign.

Make sure all entries are clear and legible

EXCEPTION TO CERTIFICATE FORMAT FOR FISH AND GAME LANDING RECEIPTS

An exception to the normal weighmaster certificate is the Fish and Game Landing Receipt. B&P Code § 12713(b) addresses Fish and Game Landing Receipts and states in part:

“The issuance of a receipt showing the weight, measure, or count of fish, mollusks, or crustaceans pursuant to Article 6 (commencing with Section 8010)* of Chapter 1 of Part 3 of Division 6 of the Fish and Game Code constitutes the issuance of a weighmaster certificate under this chapter when issued by a person who is a weighmaster pursuant to Section 12700.”

* This article and sections were renumbered to Article 7.5 commencing with § 8040 in 1986 and are therefore valid and enforceable.

When a licensed weighmaster issues a Fish and Game landing receipt containing all of the information required by Fish and Game Code § 8403; i.e., the weight of the species received, the name of the fisherman, the department (Fish and Game) registration number of the boat, the name of the recipient, the date of the receipt, the price paid, the department (Fish and Game) origin block number where the fish were caught, the type of gear used, and any other information the department (Fish and Game) may prescribe, it becomes a valid and complete weighmaster certificate. Any additional information that may be described in B&P Code § 12714, 12714.5 and 12715 can not be required on the Fish and Game landing receipt.

However, all worksheets, tally sheets, etc., containing data relating to gross weights, tare weights, common tare weights, and predetermined individual tare weights used to determine net weights of the fish must be retained as part of the normal weighmaster records and traceable back to the landing receipts.

The following page is an example of a Fish and Game Landing Receipt.

CALIFORNIA DEPARTMENT OF FISH AND GAME

MONTH DAY YEAR

SEE 2ND
PAGE

PERMIT #

FISHERMAN LAST NAME

F. I.

I.D. NUMBER

PORT OF FIRST LANDING

LOCATION WHERE FISH WERE CAUGHT

VESSEL NAME

VESSEL I.D.

FISH BUSINESS NAME

FISH BUSINESS I.D.

FISH NAME	POUNDS	PRICE	TOTAL AMOUNT	USE	GEAR	PRIMARY GEAR USED
1) PACIFIC 51 MACKEREL		\$				06 JIG/BAIT (ALBACORE)
2) JACK 55 MACKEREL		\$				07 TROLL (ALBACORE)
3) PACIFIC 100 SARDINE		\$				40 BRAIL
4) MARKET SQUID 711		\$				71 PURSE SEINE
5) PACIFIC BONITO 3		\$				73 DRUM SEINE
6) BLUEFIN TUNA 4		\$				74 LAMPARA NET
7) YELLOWFIN TUNA 1		\$				OTHER
8) SKIPJACK TUNA 2		\$				
9) ALBACORE 5		\$				
10) NORTHERN ANCHOVY 110		\$				
11) WHITE CROAKER 435		\$				
12) JACKSMELT 184		\$				
13)		\$				
14)		\$				
15)		\$				
16)		\$				
17)		\$				
18)		\$				
19)		\$				

TOTALS

#

\$

CORRECTIONS - FOR FIELD BIOLOGIST USE ONLY

LINE #	FISH CODE	POUNDS	PRICE	USE	GEAR	CHANGES ON BACK
			\$			
			\$			
			\$			

NOTE PAD

FISHERMAN/PERMITTEE SIGNATURE

RECEIVED BY

CERTIFIED UNDER PENALTY OF PERJURY AS TRUE AND CORRECT

F&G 625-W (11/95) GREEN = DEPT. OF FISH & GAME COPY ***** YELLOW = FISHERMAN COPY ***** PINK / GOLDENROD = FISH BUSINESS COPY (2)

WEIGHMASTER

TARE VERIFICATION PROCEDURES

SECTION 3

INTRODUCTION TO ESTABLISHED TARES AND MULTIPLE DRAFT WEIGHING

B&P Code 12027; 12723; 12735

General Information

The owner/user is responsible for establishing and maintaining tare weights. Failure to establish tares, using inaccurate tares, incomplete tare information on weighmaster certificates, and failure to maintain a Common Tare Notice are the most common violations. When violations or suspected violations are found for Common Tares, inspectors should call the Liaison and Training Unit (LTU) to verify the processor's tares. It is imperative that Common Tares and other types of container tares be corrected immediately in all locations involved. In many cases, tares set for and used by industry, affect several counties or states. Guidance and assistance can be obtained from the LTU staff. Hard copies of Common Tare Notices and Cab Card Recap Sheets are maintained at the Sacramento Field Office if information is required for re-weighs or investigations.

The following information can be used in training weighmasters and industry in the establishment, use, and verification of established tares and approved specialized weighing applications. It can also be used by the weights and measures official to verify tares and to take enforcement action.

1. Average Tare Weights. **CCR 4460/4461**
2. Common Tare Weights. **CCR 4440 to 4446, 4450**
3. Predetermined Individual Tare Weights. **CCR 4420 to 4423, 4450**
4. Predetermined Tare Weights (earth, stone, rock, sand, gravel, or asphalt paving material).
BPC 12722(b)/12724(b)
5. Seasonal (tomato cab cards) Tare Weights. **CCR 4430 to 4433**
6. Timber Tare Weights. **CCR 4490 to 4493**
7. Multiple Draft Weighing Operations. **CCR 4495, 4495.1 to 4495.6**
8. Volumetric Conversion to Weight (squid). **CCR 4470 to 4472**

AVERAGE TARE WEIGHTS

Definition

An average tare weight is the average weight of a group (lot) of containers within a uniform weight range [as defined by CCR 4441(a)] and established by a weighmaster. Average tare weights are determined for each load at the time of certification and are not used for subsequent loads.

CCR 4460

Authority Cited

Sections 12027, 12723 and 12735, California Business and Professions Code. Reference: Sections 12722 and 12723, California Business and Professions Code.

How Used

Average tare weights are used for single load trips and/or hydro-cooled containers. The number of containers multiplied by the average tare weight would be subtracted from the total weight of a commodity and its containers to determine the weight of the commodity only.

Method of Setting Average Tare Weights

Verify zero balance of the scale to be used.

The containers shall be within the “uniform weight range.”

“Uniform weight range” is defined to mean within a variation (plus or minus) of 0.2 pounds or 20 percent (20%), whichever is greater.

The weighmaster shall select a random sample of 2 containers from the first 50 containers in each lot and one (1) additional container for each 50 containers or fraction of 50 thereafter. If 50 containers or less are in the lot, at least 3 containers shall be weighed.

Example: If a grower/shipper has 375 containers in a lot, then 9 containers would be weighed:

- 2 containers for the first 50 containers
- 1 container for the second 50 containers
- 1 container for the third 50 containers
- 1 container for the fourth 50 containers
- 1 container for the fifth 50 containers
- 1 container for the sixth 50 containers
- 1 container for the seventh 50 containers
- 1 container for the last 25 containers

The weighmaster shall weigh the samples from each lot and determine the average. The tare weight shall be determined by mathematically dividing the total weight of the random sample by the number of containers in the sample.

The average tare weight to be used is the average rounded to the nearest 1/10 pound for containers weighing less than 30 pounds, or to the nearest one (1) pound for containers weighing 30 pounds or more.

Certificate Requirements

The weighmaster certificate issued for containers shall show the total number of containers, the number of sample containers, and the average tare weight.

WEIGHMASTER CERTIFICATE				28766
THIS IS TO CERTIFY that the following described commodity was weighed, measured, or counted by a weighmaster, whose signature is on this certificate, who is a recognized authority of accuracy, as prescribed by Chapter 7 (commencing with Section 12700) of Division 5 of the California Business and Professions Code, administered by the Division of Measurement Standards of the California Department of Food and Agriculture.				
Weighed for: ACME FRUIT				
Delivered to: CALIFORNIA CANNERS & GROWERS				
Driver: Art Smith, Smith Trucking				
WEIGHT IN LBS.		ABC SCALES - Weighmaster		
36,170	GROSS	By Susan Morris		DEPUTY - DATE 3/1/01
8,000	TARE	By Susan Morris		DEPUTY - DATE 3/1/01
28,170	NET	Weighed at 1500 Antelope Road Sunnyvale, CA 94086		VEHICLE LIC. # TRUCK 1X27339
REMARKS: 3 containers weighed 270 lbs. Avg Tare is 80 lbs. ea.		UNITS 100	COMMODITY Lettuce	MARKS Cal Can
				TRAILER UL4139
				TRAILER UL4140

Verification and Enforcement

Identify yourself to the weighmaster and/or plant supervisor. Inform them that you want to verify the accuracy of average tare weights used.

Verify zero balance of the scale to be used.

The inspector and deputy weighmaster would then review the procedure used to establish the average tare to ascertain that proper legal procedures were followed.

If proper legal procedures were followed and the same containers used to establish the original average tare weight are available, they would be reweighed to ascertain the average tare weight accuracy.

If the original containers are not available, then the inspector or deputy weighmaster should reweigh 100 percent (100%) of the containers in the lot of the financially interested party in order to determine an average tare weight that would be equitable to all parties concerned.

Enforcement

If upon reweigh an error is found that would result in a false weighmaster certificate, take appropriate enforcement action, which would include issuing a citation or Notice of Proposed Action (as outlined in the citation section) referencing **BPC 12718(e), 12722, 12723 and 12735**.

COMMON TARES

Definition

A common tare weight is the average weight of a group (lot) of containers or pallets, determined by a weighmaster prior to the time of delivery of the product.

Authority Cited

Sections 12027, 12723, 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

Responsibility

The California Business and Professions Code Section **12722(a)** states in part:

“...it is the responsibility of the party for whom the tare weight was established to maintain the tare weight within the variations prescribed by the director.”

The variations prescribed by the director are found in the California Code of Regulations, Title 4, Division 9, Article 6, Section **4450** and reads in part as follows:

“...containers for which common tare weights have been established shall be maintained as close as practicable to the established tare weight, but in no event shall tare weights exceed the tolerance level of two tenths (0.2) pound or two percent (2%) of the established tare weight, whichever is greater.”

Instructions for Establishing Common Tare Weights

Verify zero balance of scale to be used.

Be sure your containers are 1,000 lbs. or less and within a uniform weight range. A preliminary determination would be to weigh a random sample individually, total the weight and divide by the number weighed, and check the individual weights against the average. If any container weights are different by 0.2 lbs. or 20%, whichever is greater, the containers are not within a uniform weight range.

California Code of Regulations provides for the establishment of common tares based on containers or pallets used individually or containers used with pallets (palletized containers). If using containers or pallets individually, refer to number (1) below. If using containers with pallets (palletized containers), refer to number (2) on page 3-6.

1. If you are establishing a common tare **for pallets or containers which are used individually**, select a minimum random sample of 96 containers or pallets or; if less than 96 containers are in the lot, select all the containers in the lot.

2. If you are establishing a common tare **for palletized containers**, you must weigh randomly selected pallet loads (pallets with containers) based on the number of **containers stacked on a pallet**. Use the following table to determine the number of pallet loads to be weighed:

Number of Containers Per Pallet	Minimum Number of Pallet Loads to be Weighed
Less than 10	96 or 100%, whichever is less
10 -19	37 or 100%, whichever is less
20 - 49	22 or 100%, whichever is less
50 or more	11 or 100%, whichever is less

The sample shall be free from foreign material and in useable condition.

Determine the total container weight of the sample (if weighed on pallets, be sure to deduct the weight of the pallets) and divide by the number weighed. Round the average weight to the nearest 1/10 lb. if the containers or pallets average less than 30 lbs., and to the nearest 1 lb. if the containers average 30 lbs. or more.

Complete a weighmaster certificate(s) (example 3-6) and a Common Tare Notice (example 3-7) and mail the originals of both to the Division of Measurement Standards within 5 days. Maintain a copy of your completed Common Tare Notice at each weighing location where the common tare will be used.

The weighmaster certificate is to be completed containing all information required by law that is applicable to the transaction.

WEIGHMASTER CERTIFICATE				28765
THIS IS TO CERTIFY that the following described commodity was weighed, measured, or counted by a weighmaster whose signature is on this certificate, who is a recognized authority of accuracy, as prescribed by Chapter 7 (commencing with Section 12700) of Division 5 of the California Business and Professions Code, administered by the Division of Measurement Standards of the California Department of Food and Agriculture.				
Weighed for: California Cannery & Growers				
Delivered to: California Cannery & Growers				
Driver: Art Smith Trucking				
WEIGHT IN LBS.		ABC SCALES - Weighmaster		
36,170	GROSS	By Susan Morris		DEPUTY - DATE 3/1/94
24,320	TARE	By Susan Morris		DEPUTY - DATE 3/1/94
11,850	NET	Weighed at 1500 Antelope Road Sunnyvale, CA 94086		VEHICLE LIC. # TRUCK 1X27339
REMARKS: To establish common tare weight on bins		UNITS	COMMODITY	MARKS
		100	Bins - empty	Cal Can
			CCG - B - 1	TRAILER UL4140

Issue weighmaster certificate when a **vehicle(s)** is part of the weighed load.

WEIGHMASTER CERTIFICATE				28766
THIS IS TO CERTIFY that the following described commodity was weighed, measured, or counted by a weighmaster whose signature is on this certificate, who is a recognized authority of accuracy, as prescribed by Chapter 7 (commencing with Section 12700) of Division 5 of the California Business and Professions Code, administered by the Division of Measurement Standards of the California Department of Food and Agriculture.				
Weighed for: California Cannery & Growers				
Delivered to: California Cannery & Growers				
Driver:				
WEIGHT IN LBS.		ABC SCALES - Weighmaster		
TARE ONLY	GROSS	By		DEPUTY - DATE
11,850	TARE	By Susan Morris		DEPUTY - DATE 3/1/94
TARE ONLY	NET	Weighed at 1500 Antelope Road Sunnyvale, CA 94086		VEHICLE LIC. # TRUCK
REMARKS: To establish common tare weight on bins		UNITS	COMMODITY	MARKS
		100	Bins - empty	Cal Can
			CCG - B - 1	TRAILER

Issue weighmaster certificate when **ONLY** the containers are weighed; without vehicle(s) as part of the weighed load. Issue a TARE ONLY certificate.

EXAMPLE

COMMON TARE NOTICE			
TO BE MAINTAINED AT EACH WEIGHING LOCATION USING THIS TARE. THE ACTUAL TARE SHALL NOT VARY FROM THIS COMMON TARE BY MORE THAN TWO-TENTHS (0.2) POUND OR TWO PERCENT (2%), WHICHEVER IS GREATER.			
CODE DESIGNATION	CCG-B-1	EFFECTIVE DATE	3/15/1994
COMMON TARE WEIGHT			119.0 lbs.
PROCESSOR / USER		BUSINESS PHONE	DATE
CALIFORNIA CANNERS AND GROWERS		408-555-1515	10/1/2003
ADDRESS		CITY	STATE
P.O. BOX 70130		SUNNYVALE	CA
		ZIP CODE	6/16/2157
Established by Weighmaster Certificate Number(s) <u>28766</u> (attached) under the authority of California Code of Regulations, Title 4, Division 9, Chapter 9, Article 5, Sections 4440-4445			
Type of Tare:	Dimensions:	Dimensions in Inches:	
<input checked="" type="checkbox"/> Bins	<input checked="" type="checkbox"/> Exterior	47 Length	
<input type="checkbox"/> Boxes	<input type="checkbox"/> Interior	47 Width	
<input type="checkbox"/> Pallets		28 Height	
<input type="checkbox"/> Other			
Container Description <u>Solid plywood sides, vented bottoms, forklift protectors, corner caps and braces.</u>			
Outside runner is 3 1/2 X 1 3/4 inches.			
Marks <u>CAL CAN</u>			
Commodity <u>APPLES, PEARS</u>			
Storage Location(s)			
LOCATION ADDRESS		CITY	
444 W. CALIFORNIA STREET		SUNNYVALE	
LOCATION ADDRESS		CITY	
Number weighed		Total number in use	
100		500	
Total container weight		Average weight	
11,850 lbs.		118.50 lbs.	
WEIGHMASTER NAME		LICENSE #	BUSINESS PHONE
ABC SCALES		0001	408-555-5252
WEIGHING ADDRESS		CITY	ZIP CODE
1500 ANTELOPE ROAD		SUNNYVALE	94086
SUSAN MORRIS		10/1/2003	
DEPUTY SIGNATURE		DATE	
The originals of this Common Tare Notice and the weighmaster certificate(s) issued to establish the common tare are to be mailed to the Division of Measurement Standards, 8516 Fruitridge Road, Sacramento, California 95826, (916) 229-3000, within five (5) business days.			

COMMON TARE NOTICE INSTRUCTIONS

The Common Tare Notice is to be completed based on the following instructions:

1. Enter the name, phone number, date, address, city, state, and zip code of the company that will be using the containers that the Common Tare Notice is being completed for.
2. Enter the weighmaster certificate number(s) used to establish this common tare weight.
3. Check the type of containers, if a measurement is exterior or interior, and the length, width and height in inches.
4. Container description is to show type of construction and material (i.e., wood, plastic, plywood; number and kinds of boards; slats and runners).
5. Marks are the labels, trademarks and/or company names printed on the containers.
6. Commodities – Indicate the commodities the common tare will be used for, such as pears, peaches, and plums, or all commodities.
7. Enter the **complete street address** of each storage location where lot(s) sample(s) was taken.
8. Enter the number of containers, not the number of pallet loads and the total number in use.
9. Enter the **total container weight**, the **number weighed**, and the **average weight**. Total container weight is the weight of all the containers from the weighmaster certificate(s). Divide by the number weighed to get the average weight. The average weight is the mathematical average, **not** the common tare weight. The mathematical average weight is carried out at least one decimal point if above 30 lbs. and two decimal points if below 30 lbs.
10. Enter the weighmaster name, license number, business phone and address from the weighmaster license.
11. Enter the signature of the deputy weighmaster who established the common tare and date.
12. Enter code designation, effective date and common tare weight. CODE DESIGNATIONS are to be entered as **B-bins, P-pallets, and C-boxes or trays**. The code designation includes the **initials** of the company for whom the tare weight is established.

Examples: Jones Fruit Company primary (plastic) bins would be **JFC-B-1**
 Jones Fruit Company secondary (wood) bins would be **JFC-B-2**

13. THE EFFECTIVE DATE is the date the company will begin using the tare, not necessarily the date the containers were weighed or the date the common tare notice was completed.
14. THE COMMON TARE WEIGHT is the average weight rounded to the nearest 1/10 lb. if under 30 lbs. or one (1) lb. if 30 lbs. or more.

RESPONSIBILITY OF COMMON TARE USER

The California Business and Professions Code Section 12722(a) states in part:

“...it is the responsibility of the party for whom the tare weight was established to maintain the tare weight within the variations prescribed by the director.”

The variations prescribed by the director are found in the California Code of Regulations, Title 4, Division 9, Article 6, Section 4450 and reads in part as follows:

“...containers for which ... common tare weights have been established shall be maintained as close as practicable to the established tare weight, but in no event shall tare weights exceed the tolerance level of two tenths (0.2) pound or two percent (2%) of the established tare weight, whichever is greater.”

If the Common Tare is maintained within the above tolerances it does not have to be re-established each year or season.

COMMON TARE NOTICE

TO BE MAINTAINED AT EACH WEIGHING LOCATION USING THIS TARE. THE ACTUAL TARE SHALL NOT VARY FROM THIS COMMON TARE BY MORE THAN TWO-TENTHS (0.2) POUND OR TWO PERCENT (2%), WHICHEVER IS GREATER.

CODE DESIGNATION _____ **EFFECTIVE DATE** _____ **COMMON TARE WEIGHT** **lbs.**

<small>PROCESSOR / USER</small>		<small>BUSINESS PHONE</small>		<small>DATE</small>	
<small>ADDRESS</small>			<small>CITY</small>		<small>STATE</small>
<small>ZIP CODE</small>					

Established by Weighmaster Certificate Number(s) _____ (attached) under the authority of Title 4, Division 9, Chap. 9, Article 5, Sec. 4440-4443.

Type of Tare:

☐ Bins

☐ Boxes

☐ Pallets

☐ Other

Dimensions:

☐ Exterior

☐ Interior

Dimensions in Inches:

_____ Length

_____ Width

_____ Height

Container Description _____

Marks _____

Commodity _____

Storage Location(s)

<small>LOCATION ADDRESS</small>		<small>CITY</small>
<small>LOCATION ADDRESS</small>		<small>CITY</small>

Number weighed _____

Total number in use _____

Total container weight _____ lbs. / Number weighed _____ = Average weight lbs.

<small>WEIGHMASTER NAME</small>		<small>LICENSE NUMBER</small>		<small>BUSINESS PHONE</small>	
<small>WEIGHING ADDRESS</small>			<small>CITY</small>		<small>ZIP CODE</small>

DEPUTY SIGNATURE

DATE

The originals of this Common Tare Notice and the weighmaster certificate(s) issued to establish the common tare are to be mailed to the Division of Measurement Standards, 8516 Fruitridge Road, Suite K, Sacramento, California 95826, (916) 229-3000, within five (5) business days. rev. 5/01

Certificate Requirements

A common tare weight may be used by a weighmaster to determine the net weight of a commodity, provided the following information appears on the weighmaster certificate:

The fact that a common tare weight is being used. This may be designated by the letters "C.T.", and the common tare weight, description of the container, and a name of the person or firm for whom the common tare weight has been established. A code designation may be used in lieu of the description of the container, provided this code also appears on the common tare notice.

Conditions of Use

The following conditions apply to the use of common tare weights:

- Common tare weights may only be used by a weighmaster licensed at the location at which a copy of the Common Tare Notice is maintained; and
- Common tare weights may be used by a weighmaster unless a party having a legal or financial interest in the transaction notifies the weighmaster prior to issuance of the certificate that a common tare weight shall not be used; and
- The weighmaster certifying to a common tare weight shall verify that the total number of containers includes not more than 10% of other user containers and that all containers are within a uniform weight range; and
- A weighmaster shall not use a common tare weight if for any reason it appears that the common tare weight may not meet the tolerance levels prescribed by Section **4450 CCR**.

Verification

The Secretary may verify the accuracy of an established common tare weight by weighing a representative sample of containers, as prescribed, and by rounding as prescribed. If a common tare weight is found to be beyond the tolerance levels established, the Secretary shall issue an order that the common tare weight not be used until re-established by a weighmaster.

Common tare weights may be verified as part of an inspection based on a complaint or for information purposes.

The following procedure would be used to verify the accuracy of common tare weights:

1. Identify yourself to the weighmaster and/or plant supervisor. Verify that common tare weights are being used, what containers have established tares, what the common tare codes are, what tare weights are being deducted, how the containers are identified on the certificates, what containers are in use, and any other pertinent information.
2. Check the above information against the "Common Tare Notice". Observe the weighing process, and check the figures of the weighmaster.
3. Request a verification of the weights of the container tare in use.

4. Verify the balance zero and minimum resolution to determine acceptability of the scale. Select a suitable sample of in-use containers, weigh them, divide the weight by the amount of units weighed and determine if the average is within +/- 2% of the established common tare weight. If average exceeds the tolerance then increase the sample size up to but not exceeding the number used to establish the common tare. Look for units outside the 20% Uniform Weight or other factors that could be affecting the averages. You must use the same procedure and amount weighed by the weighmaster (when the common tare was established) prior to taking any enforcement action. The procedure used must have been as specified by the code and regulations.

WEIGHMASTER CERTIFICATE			28766		
THIS IS TO CERTIFY that the following described commodity was weighed, measured, or counted by a weighmaster, whose signature is on this certificate, who is a recognized authority of accuracy, as prescribed by Chapter 7 (commencing with Section 12700) of					
Weighed for: ACME FRUIT					
Delivered to: CALIFORNIA CANNERS & GROWERS					
Driver: Art Smith, Smith Trucking					
WEIGHT IN LBS.		ABC SCALES - Weighmaster			
78,680	GROSS	By Susan Morris DEPUTY - DATE 3/1/2001			
27,680	VEH TARE				
5,712	CT	By Susan Morris DEPUTY - DATE 3/1/2001			
45,128	NET				
REMARKS: BIN CT 119 LBS		Weighed at 1500 Antelope Road Sunnyvale, CA 94086		VEHICLE LIC. #	
				TRUCK 1X27339	
		UNITS	COMMODITY	MARKS	TRAILER UL4139
		48	FUJI APPLES	Cal Can	TRAILER UL4140

Enforcement

When verifying the accuracy of established common tares and the verification weight is found to be beyond the established tolerance levels and the containers are **not in use**, the appropriate enforcement action is to issue a Notice of Violation stating that new common tare weights have to be established.

When verifying the accuracy of established common tares and the verification weight is found to be beyond the established tolerance levels and the containers **are in use**, issue a Notice of Violation stating the current common tare weight **is not to be used** until a new common tare weight is established. Take additional enforcement actions such as issuing a citation or Notice of Proposed Action (as recommended in the citation section).

PREDETERMINED INDIVIDUAL TARE WEIGHTS

Definition

A predetermined individual tare weight is the weight of a vehicle, container or pallet determined by a weighmaster prior to the time of delivery of a product and is established and used in accordance with the following provisions.

Authority Cited

Sections 12027, 12723 and 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

Responsibility

The California Business and Professions Code Section **12722(a)** states: "In accordance with this chapter and regulations adopted by the Secretary, any weighmaster may use a tare weight for a vehicle, container or pallet which has been previously determined by a weighmaster. It is the responsibility of the party for whom the tare weight was established to maintain the tare weight within the variations prescribed by the Secretary."

The variations prescribed by the Secretary are found in the California Code of Regulations, Title 4, Division 9, Article 6, Section **4450** and reads in part as follows: "...vehicles and containers for which predetermined individual tare weights have been established shall be maintained as close as practicable to the established tare weight, but in no event shall such tare weights exceed the tolerance level of two-tenths (0.2) pound or two percent (2%) of the established tare weight, whichever is greater."

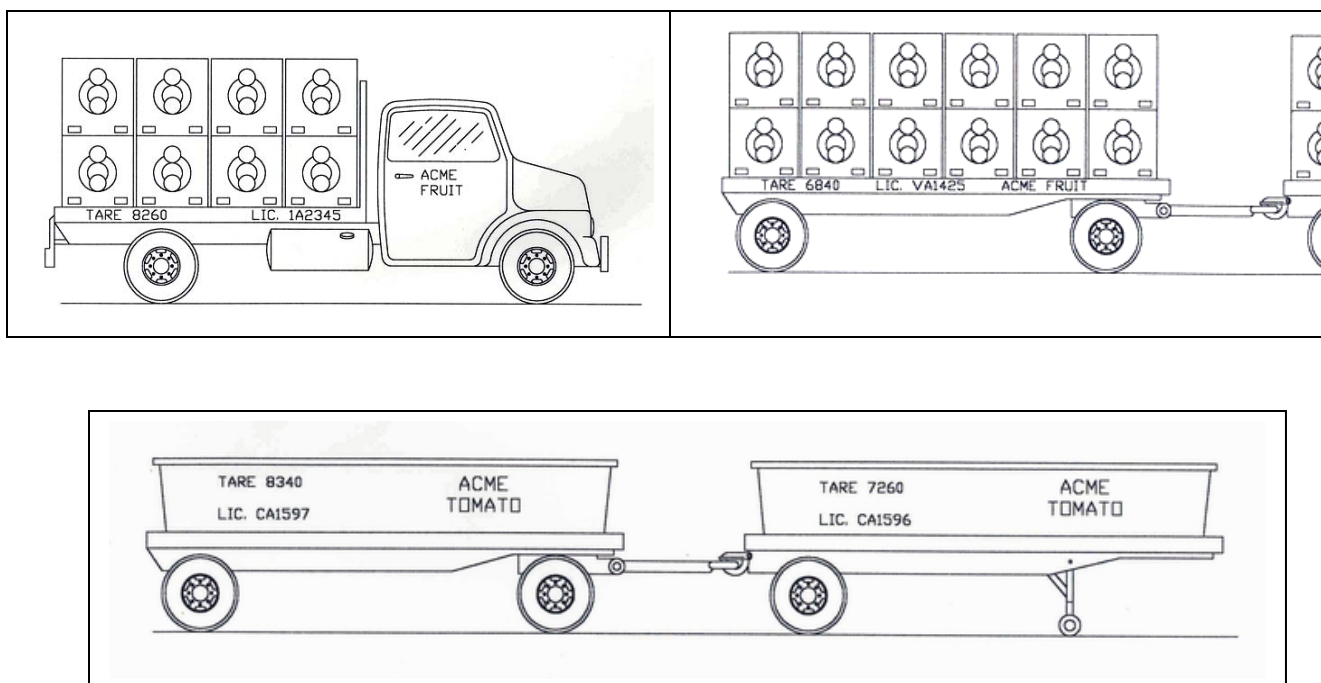
Instructions for Establishing Predetermined Individual Tare Weights

A weighmaster shall verify the zero balance of the scale to be used and then proceed to weigh the vehicle, container or pallet and issue a "Tare Only" certificate.

Example of a tare only certificate issued for an empty truck.

WEIGHMASTER CERTIFICATE			28766
THIS IS TO CERTIFY that the following described commodity was weighed, measured, or counted by a weighmaster, whose signature is on this certificate, who is a recognized authority of accuracy, as prescribed by Chapter 7 (commencing with Section 12700) of Division 5 of the California Business and Professions Code, administered by the Division of Measurement Standards of the California Department of Food and Agriculture.			
Weighed for: ACME FRUIT			
Delivered to: ACME FRUIT			
Driver:			
WEIGHT IN LBS.	ABC SCALES - Weighmaster		
TARE ONLY GROSS 8,260 TARE NET	By _____		DEPUTY - DATE
	By Susan Morris		DEPUTY - DATE 3/1/01
	Weighed at 1500 Antelope Road Sunnyvale, CA 94086		VEHICLE LIC. # 1X27339
REMARKS: To est. PT weight for empty truck	UNITS	COMMODITY	MARKS
		EMPTY 78 FORD	
		FLATBED TRUCK	
		TRAILER	
		TRAILER	

Each vehicle for which a predetermined individual tare weight has been established shall be clearly marked on both sides with the company name or code, license number and predetermined tare weight. The tare weight shall be permanently marked either on the vehicle or on a placard secured thereto. The tare weight shall be identified in numbers and letters not less than (3) inches (7.62 cm) in height. In the case of gondola units, the required identification shall be applied to both sides of the container portion.



Each container or pallet for which a predetermined individual tare weight has been established shall be clearly marked on both sides with the company name or code, company identification number and predetermined tare weight. The tare weight shall be identified in letters and numbers not less than three (3) inches (7.62 cm) in height.

The following conditions apply to the use of predetermined individual tare weights:

1. Predetermined individual tare weights may be used by a weighmaster unless a party having a legal or financial interest in the transaction notifies the weighmaster prior to the issuance of the certificate that a predetermined individual tare weight shall not be used.
2. A weighmaster shall not use a predetermined individual tare weight which is not based on weighmaster records in their possession unless furnished with a copy of the "Tare Only" certificate which established the predetermined individual tare weight.
3. A weighmaster shall not use a predetermined individual tare weight if for any reason it appears that the tare weight may be beyond the tolerance levels prescribed by Section **4450 CCR**.

Certificate Requirements

A predetermined tare weight may be used by a weighmaster to determine the net weight of a commodity, provided the following information appears on the weighmaster certificate:

The fact that a predetermined tare weight is being used by identifying the tare with the letters "P.T." on the weighmaster certificate and company name or code and license number or serial number of each vehicle, container and or/pallet.

Verification

The Secretary may verify the accuracy of an established predetermined individual tare weight by re-weighing any vehicle, container or pallet for which a predetermined individual tare weight has been established when such tare weight is being used in determining the net load for any commercial transaction.

The following procedure would be used to verify the accuracy of predetermined individual tare weights:

1. Identify yourself to the weighmaster and/or plant supervisor. Inform them that you want to verify vehicle, container, or pallet predetermined individual tare weights.
2. Verify that the scale to be used is in a zero balance condition.
3. Place the container or pallet on the load-receiving element of the scale. If you are reweighing a vehicle, have the driver pull the vehicle onto the scale.
4. Complete the weighing process of the container, pallet or vehicle and verify against the stenciled weight of the container, pallet or vehicle.
5. If you were verifying the weight of a trailer or a trailer with gondolas, each trailer would be weighed separately.
6. Obtain a copy of the certified weight (it is to be in the possession of the weighmaster or contract hauler) that was used to establish the predetermined tare. It should agree with the stenciled tare.
7. If the tare weights vary by more than 0.2 pound or 2%, take appropriate enforcement action.

BPC 12722(a)

Enforcement:

When verifying the accuracy of established predetermined individual tare weights and the verification weight is found to be beyond the established tolerance levels and the containers, pallets or vehicles are not in use the appropriate enforcement action is to issue a Notice of Violation stating that a new predetermined individual tare weight must be established.

When verifying the accuracy of established predetermined tare weights and the verification weight is found to be beyond the established tolerance levels and the container, pallet or vehicle is in use, issue a Notice of Violation stating that the predetermined tare weight shall not be used until re-established by a weighmaster. Appropriate enforcement actions include issuing a citation or Notice of Proposed Action (as outlined in the citation section).

PREDETERMINED TARE WORKSHEET

NAME: _____

DATE:

ADDRESS:[illegible]

PREDETERMINED TARE WEIGHTS (Earth, Stone, Rock, Sand, Gravel and Asphalt Paving Material)

Definition

A predetermined tare weight for a vehicle hauling earth, stone, rock, sand, gravel and asphalt paving material is the weight of a vehicle, determined by a weighmaster prior to the time of delivery of a product and is established and used in accordance with the following provisions.

Authority Cited

Sections 12027, 12723, 12735, Business and Professions Code. Reference: Sections 12722 and 12723, Business and Professions Code.

Responsibility

California Business and Professions Code Section **12722** states:

- (a) In accordance with this chapter and regulations adopted by the director, any weighmaster may use a tare weight for a vehicle, container, or pallet, which has been previously determined by a weighmaster. It is the responsibility of the party for whom the tare weight was established to maintain the tare weight within the variations prescribed by the director.
- (b) Any weighmaster weighing any vehicle moving earth, stone, rock, sand, gravel or asphalt paving material may use a predetermined tare weight. The issuance of predetermined tare weights are exempt from the provisions of Chapter 9 (commencing with Section 4400) of the California Code of Regulations. It is the responsibility of the party for whom the tare weight was established to maintain the actual weight so that the actual tare weight of the vehicle at no time exceeds the recorded weight.

California Business and Professions Code Section **12724** reads as follows:

- (a) Except as provided in this section, a weighmaster weighing a vehicle for certification shall determine both gross and tare weights with all persons off the scale and vehicle, unless both the gross and tare weights are determined without leaving the weighing location.
- (b) Predetermined tares for vehicles moving earth, stone, rock, sand, gravel or asphalt paving material may be determined with a driver in the vehicle, if the gross weight is determined in the same manner and the weighmaster indicates on the weighmaster certificate that the driver was on the vehicle for both gross and tare weight.

California Business and Professions Code Section **12728** reads as follows:

- (a) No weighmaster shall weigh a vehicle, or combination of vehicles, for certification, when part of the vehicle, or connected combination, is not resting on the scale.
- (b) When weighing a combination of vehicles that will not rest on the scale platform at one time, the combination shall be disconnected and weighed separately. The weights so taken may be combined for the purpose of issuing a single certificate.

Instructions for Establishing Predetermined Tare Weights (Earth, Stone, Rock, Sand, Gravel or Asphalt Paving Material)

The owner of a vehicle hauling these named commodities is exempt from the provisions of the California Code of Regulations pertaining to the marking requirements on the sides of their vehicle. The weighmaster issuing certified weight certificates for vehicles hauling these named commodities are exempt from showing on the certificate that a predetermined tare weight is being used. However, other procedures are followed by weighmasters using these predetermined weights.

To establish a predetermined tare weight, the weighmaster would weigh the truck or truck/trailer combination with the fuel tanks full but with the compartment(s) and trailers (if applicable) empty.

In most cases this weight would be entered into the computer with other identifying information for the vehicle(s) being weighed (i.e., equipment number, company name, license number(s), buyer, delivery address, etc.).

The weighmaster would then recall the recorded information for a particular vehicle or vehicle/combination and the weight or weights shown would be printed on the weighmaster certificate for each successive load hauled.

At locations not utilizing computers, the weighmaster would enter this information in a book, loose-leaf binder or card file so that the weighmaster could look up the required information during successive trips. The tare weight for a particular vehicle(s) would be used on weight certificates as needed.

Conditions of Use

California Business and Professions Code Section **12722(b)** reads as follows: Any weighmaster weighing any vehicle moving earth, stone, rock, sand, gravel, or asphalt paving material may use a predetermined tare weight. The issuance of predetermined tare weights are exempt from the provisions of Chapter 9 (commencing with Section **4400**) of Title 4 of the California Code of Regulations. It is the responsibility of the party for whom the tare weight was established to maintain the actual weight so that the actual tare weight of the vehicle **shall at no time exceed the recorded tare weight.**

Section **12724(b)** reads as follows: Predetermined tares for vehicles moving earth, stone, rock, sand, gravel and asphalt paving material may be determined with the driver in the vehicle, if the gross weight is determined in the same manner and the weighmaster indicates on the weighmaster certificate that the driver was on the vehicle for both gross and tare weight.

Verification

California Business and Professions Code Section **12727** gives the authority to conduct reweighs and reads as follows: The director may, at any time, require a vehicle to proceed to the nearest vehicle scale for the purpose of weight verification.

1. Introduce yourself to the person in charge of the weighmaster activities and state your intention to verify predetermined vehicle tare weights.

2. Verify zero balance of the scale to be used.
3. It may be necessary for two inspectors to perform this type of inspection.
 - A. One inspector should remain in the scale house and verify scale balance between each weighing.
 - B. The other inspector should position himself/herself where the vehicles enter the location. He/she will stop the vehicles, identify himself/herself and ask the driver to drive onto the scale for predetermined tare weight verification.
4. The inspector in the scale house will weigh the vehicles and compare the actual tare with the tare weight that has been recorded on the weighmaster certificates.
5. If the actual tare weight is greater than the predetermined tare, the party for whom the tare weight was established is in violation of Sections **12720 and/or 12722(b)**.

Enforcement

When verifying the accuracy of established predetermined tare weights for vehicles hauling earth, stone, rock, sand, gravel or asphalt paving material and the verification weight is found to be **beyond** the established predetermined tare weight, issue a Notice of Violation stating that the predetermined tare weight **shall not** be used until re-established by a weighmaster. Appropriate enforcement action is to issue a citation or a Notice of Proposed Action to the party for whom the predetermined tare weight was established (as recommended in the citation section).

SEASONAL TARE WEIGHTS (Cab Card Weight)

Definition

A seasonal tare weight is the tare weight of a fuel-consuming vehicle used to transport bulk loads of tomatoes and is established for use in accordance with the following provisions. Seasonal tare weights are determined by Weighmasters and are officially established with the issuance of a cab card.

Authority Cited

Sections 12027, 12723 and 12735, California Business and Professions Code. Reference: Sections 12722, 12723 and 12729, California Business and Professions Code.

Responsibility

California Business and Professions Code Section **12722** states: (a) in accordance with this chapter and regulations adopted by the director, any weighmaster may use a tare weight for a vehicle which has been previously determined by a weighmaster. It is the responsibility of the party for whom the tare weight was established to maintain the tare weight within the variations prescribed by the director.

California Business and Professions Code Section **12723** states: The director shall adopt regulations for the establishment of vehicle, container, and pallet tares, including, but not limited to, the adoption of conditions of use, certificate requirements, sample size, allowable variations, and procedure to be used to verify common tares.

Instructions for Establishing Seasonal Tare Weights

Seasonal tare weights shall be established as follows:

1. A weighmaster shall weigh each unladed tractor vehicle after the driver has confirmed that the vehicle has full fuel tanks. (An unladed vehicle is a vehicle without commodity or persons.) If the vehicle has multiple fuel tanks, all tanks **must** be full; otherwise, the tank(s) **must** be removed from the vehicle or sealed in such a way to prevent fuel or other substances from being introduced into the tank. Merely disconnecting the fuel lines is not acceptable.
2. The weighmaster shall:
 - (a) Complete and issue a “tare only” weighmaster certificate.

- (b) Complete and issue an original cab card that officially establishes the seasonal tare weight. Blank Cab cards are furnished to weighmasters by the Division of Measurement Standards. **The Official Tare Weight stated on the cab card shall be 250 pounds less than the weight shown on the “tare only” weighmaster certificate.**

STATE OF CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE DIVISION OF MEASUREMENT STANDARDS		<h1 style="margin: 0;">VALID 2003 ONLY</h1>		8516 FRUITRIDGE ROAD, STE. 100 SACRAMENTO, CA 95826 (916) 229-3060	
<h2 style="margin: 0;">TRUCK TRACTOR TARE WEIGHT - <u>BULK TOMATOES ONLY</u></h2>					
42-011 (REV.2-96)					
OWNER/LESSOR			CARRIER		
MAKE		COLOR		LICENSE NUMBER	
NAME OF PRINCIPAL WEIGHMASTER			<p><i>FAILURE TO MAINTAIN THE FUEL LEVEL MAY RESULT IN THIS VEHICLE'S WEIGHT BEING LESS THAN THE MINIMUM VEHICLE WEIGHT ALLOWED.</i></p>		
ADDRESS OF WEIGHING LOCATION					
CITY STATE ZIP					
CERTIFICATE NUMBER		DATE		CERTIFIED WEIGHT WITH FULL FUEL TANKS	
BY			<div style="display: flex; justify-content: space-between;"> DEPUTY LBS. </div>		
			LESS 250 LBS. EQUALS ➔		

CAB CARD# 4200

\$34200\$

OFFICIAL TARE WEIGHT

LBS.

THIS OFFICIAL TARE WEIGHT MAY BE USED WHEN TRANSPORTING BULK TOMATOES

THE CARRIER AND/OR DRIVER OF THIS VEHICLE ARE RESPONSIBLE FOR MAINTAINING THIS VEHICLE'S WEIGHT WITHIN THE PRESCRIBED TOLERANCE OF THE OFFICIAL TARE WEIGHT WHEN THIS CAB CARD IS PRESENTED TO A WEIGHMASTER. FAILURE TO MAINTAIN THIS VEHICLE'S OFFICIAL TARE WEIGHT MAY RESULT IN PROSECUTION.

- (c) Enter the required information on a daily seasonal truck tare recap sheet, furnished by the Division of Measurement Standards. The recap sheet will be mailed to the Division within two business days.

[illegible]

Certificate Requirements

A seasonal tare weight may be used by a weighmaster to determine the net weight of a commodity, provided the number of the cab card appears on the certificate.

Conditions of Use

The following conditions apply to the use of cab cards.

1. A cab card shall be valid for a single tomato harvest season only.
2. The cab card shall be carried at all times in the vehicle for which the seasonal tare weight has been established.
3. The original cab card shall be presented to the weighmaster when using the seasonal tare weight to certify the net weight of a load.
4. The cab card shall not be used if the vehicle tare weight varies by more than 300 pounds from the official tare weight stated on the cab card.
5. A cab card on which the weight figures have been changed or altered in any manner shall not be used.
6. A new cab card shall be obtained when the weight or vehicle identification information on the cab card changes.
7. The cab card may be used by a weighmaster to determine the net weight of a load unless a party having a legal or financial interest in the transaction notifies the weighmaster prior to the issuance of the certificate that a seasonal tare weight (cab card) shall not be used.

Verification

California Business and Professions Code Section **12727** gives the authority to conduct reweighs and reads as follows: The director may, at any time, require a vehicle to proceed to the nearest vehicle scale for the purpose of weight verification.

Cab cards can only be used for truck-tractors transporting bulk tomatoes. The original cab card must be presented to the weighmaster. Cab cards can only be used for one season. Cab card ink colors change each year and state the year they are valid in bold print at the top.

Cab cards are to be checked at the location where cab cards are being presented to weighmasters for completion of weighmaster certificates.

1. At a receiving station using cab cards, the inspector or investigator and helper should identify themselves to the weighmaster. Have the weighmaster explain the weighing procedure, traffic patterns, etc.
2. Explain to the weighmaster your intentions for verifying cab cards and ascertain the problems it may create. Verify scale balance; the weighmaster may be in violation.
3. When a truck driver presents a cab card to the weighmaster and after the driver has provided all the necessary information to the weighmaster, you should take the card and allow the gross weight to be printed on a certificate. Introduce yourself to the truck driver and inform him that you are going to verify the cab card weight and that when it has been done, their completed weighmaster certificate will be issued.

4. Instruct the driver to park the trailers and to return to the scale with the tractor only. The helper should verify the location and see that the instructions are followed. Be aware of fuel dispenser locations and verify that no refueling is done or other changes made that may change the official tare weight.
5. At busy locations, not every cab card needs to be verified. The helper should then assist the driver in returning to the scale immediately so the truck does not have to wait in line to be reweighed.
6. The helper can keep track of vehicles in the process of being verified while the investigator keeps track of cab cards, certificates, and other paperwork in the scale house.
7. When the truck-tractor comes onto the scale, after assuring that the vehicle is on the scale and all persons are off, verify the weight on the scale against the cab card weight.
8. If the reweigh weight is within tolerance (300 lbs.), notify the driver, but ascertain the fuel status and other information for the reweigh form. If the weights are within tolerance, but fuel tank(s) is almost empty and fuel capacity is over 70 gallons, the cab card may have been established without full fuel tanks. At your discretion, you may confiscate the cab card and instruct the driver to obtain another cab card in the prescribed manner.
9. If everything is okay, return the cab card to the driver and instruct the weighmaster to complete the certificate.
10. If the weight varies by more than 300 lbs., but less than 450 lbs., issue an infraction citation referring to **BPC 12722/12729(c)(1)**.

If the weight varies by 450 lbs. to 600 lbs., issue an infraction citation referring to **BPC 12722/12729(c)(2)**.

If the weight varies by more than 600 lbs., issue an infraction citation referring to **BPC 12722/12729(c)(3)**.

A Notice of Proposed Action could be another appropriate enforcement action that is used in place of a citation in each of the above categories.

11. If the weight varies by more than 300 lbs., instruct the weighmaster to complete the certificate using the true weight. On a computer-generated certificate, the certificate may have already been issued in which case a corrected certificate would have to be issued. Retain the cab card as evidence and take appropriate enforcement action.

SCHEDULE OF FINES
CAB CARD VIOLATIONS

Errors Plus or Minus from the Official Tare Weight	
601 LBS and Greater	Max \$800 Fine BPC 12722/12729 (c)(3)
600 LBS to 450 LBS	Max \$400 Fine BPC 12722/12729 (c)(2)
449 LBS to 301 LBS	Max \$200 Fine BPC 12722/12729 (c)(1)

DEPUTY ON DUTY _____ WEIGHING LOCATION _____ DATE _____

[illegible]

Page 3-26

TIMBER TARE WEIGHTS

Definitions

The following definitions apply to timber tare weights:

1. A timber tare weight is the unladen weight of a vehicle or combination of vehicles, used to transport loads of logs, where an automated weight-scaling program is used to determine the board foot volume of the load.
2. Sample scale frequency is the number of loads of logs to be measured by a log scaler at a frequency agreed to by the buyer and seller (e.g., 1 in 4 loads must be measured by a log scaler).

Authority Cited

Sections 12027, 12723 and 12735, California Business and Professions Code. Reference: Sections 12722, 12723 and 12729, California Business and Professions Code.

How Used

Timber tare weights are established on unladed log hauling vehicles and are used to determine the net weight of logs delivered to a saw mill. The current established timber tare weight would be subtracted from the gross weight of a laden logging truck to determine the net weight of the logs only.

Establishing Timber Tare Weights

Timber tare weights shall be established in accordance with the following provisions:

1. A timber tare weight shall be established by a weighmaster as the mathematical average of the first five consecutive loads hauled into the mill.
2. After establishment, a timber tare weight for any vehicle shall be calculated from the mathematical average of the five most current actual tare weights. The frequency for updating the timber tare shall be the same as the sample scale frequency, but in no case less frequent than one in ten.

Example

Agreed sample scale frequency = 1 in 7.

Frequency for updating = 1 in 7.

First five consecutive weighings to establish timber tare weights:

LOADS

1.	12/5 Actual Tare Weight	20,180 lbs.
2.	12/5 Actual Tare Weight	19,820 lbs.
3.	12/6 Actual Tare Weight	19,780 lbs.
4.	12/7 Actual Tare Weight	20,060 lbs.
5.	12/7 Actual Tare Weight	<u>19,760 lbs.</u>
		99,600 lbs.

Mathematical average 99,600 divided by 5 = 19,920 = Established Timber Tare Weight.

Mathematical Average of 5 most recent timber tare weights used to update the established timber tare weight will be dependent upon the next 7 loads and the load designated to be weighed. Load could be any load 6 thru 12 as long as update frequency is maintained as 1 in 7 loads.

LOADS

6.	12/9 Timber Tare	19,920 lbs.
7.	12/9 Timber Tare	19,960 lbs.
8.	12/10 Timber Tare	19,780 lbs.
9.	12/10 Timber Tare	19,860 lbs.
10.	12/11 Timber Tare	19,920 lbs.
11.	12/11 Timber Tare	19,920 lbs.
12.*	12/12 Actual Timber Tare	19,780 lbs.

* Load designated for weighing and within +/- 2% tolerance (19,522 – 20,318 lbs.)

5 most recent actual tare weights to establish new Timber Tare:

LOADS

1.	19,820 lbs.
2.	19,780 lbs.
3.	20,060 lbs.
4.	19,760 lbs.
5.	<u>19,780 lbs.</u>
	99,200 Total Pounds

Mathematical average of 5 most recent timber tare weights.

99,200 divided by 5 = 19,840 lbs. = *updated* Established Timber Tare Weight

Frequency for updating = 1 in 7.

Certificate Requirements

A timber tare weight may be used by a weighmaster to determine the net weight of timber, provided disclosure that a timber tare weight is being used appears on the certificate immediately adjacent to the tare weight entry. This shall be designated by the letters "T.T." and is in addition to any information required by California Business and Professions Code, Division 5, Chapter 7.

Conditions of Use

The following conditions apply to the use of timber tare weights:

1. Timber tare weights shall be limited to sales where agreed to by all parties having a legal or financial interest.
2. A weighmaster shall not use a timber tare weight, which is not based on weighmaster records in their possession.
3. Whenever the timber tare weight has not been updated for more than one hundred twenty (120) days, a new timber tare weight shall be established for that vehicle.
4. A current actual tare weight that differs from the timber tare weight for that vehicle by more than plus or minus 2% must automatically cause the establishment of a new timber tare weight for that vehicle.
5. When any vehicle fails to obtain a current tare weight when required by the program to update the timber tare weight, the existing timber tare weight shall be used for that load and the system must automatically cause the establishment of a new timber tare weight for that vehicle.
6. Vehicles with cribs or inserts for short logs, mule trains, and self-loaders shall not use a timber tare weight unless the crib, inserts, or self-loading apparatus are permanently installed.
7. Timber tare weight information must be kept as part of the weighmaster records for a period of four (4) years. These records are to include, but are not limited to, tare weight records supporting timber tare weight updates, tare frequency, and sample scaling frequency.

Verification

1. Identify yourself to the weighmaster and/or saw mill supervisor. Inform them that you want to verify the accuracy of the timber tare weights in use. A Timber Tare Verification Worksheet (see example on page 3-31) may be helpful keeping information organized.
2. Ask to see copies of weight certificates for logging trucks using timber tare weights.
3. Request a copy of the agreement that shows the sample scale frequency.

4. Audit the weighmaster certificates to verify that:
 - A. Timber tare weights are used accurately for each weighing.
 - B. The timber tare weight is being updated according to the sample scale frequency.
 - C. The weighmaster certificates contain all of the required information.
5. Review the computer program to ascertain:
 - A. That the software has been submitted for study and received type approval.
 - B. That the software notifies the deputy weighmaster that a reweigh is needed at the frequency agreed to in the sample scale frequency.
 - C. That the computer program will not allow the printing of negative weight values.
 - D. That the software program has motion detection and will not allow the printer to print a weight value while there is motion on the weight-receiving element.
 - E. That the software program will not allow gross, tare and net weight values to be changed once they are entered.
 - F. That the software program will not reprint copies of weight certificates when all reprints appear to be originals; i.e., all reprints should show the original weight certificate number and indicate that it is a “**COPY**”, or show the original certificate number followed by A, B, C or other means to indicate that more than one copy of that certificate has been printed.
 - G. Verify records showing the weights used for each truck/trailer combo; i.e., can you trace the tare weights back for 4 years or are the oldest ones lost at each update.

If your investigation shows that all timber tare weight procedures are being followed and all timber tare weights are accurate you would terminate your investigation.

If your investigation shows that all timber tare weight procedures are **NOT** being followed, or that the timber tare weights are **INACCURATE**, move to the recommended enforcement. YOU MAY WANT TO REWEIGH ANY VEHICLE FOR WHICH YOU SUSPECT AN ERROR IN THE TIMBER TARE WEIGHT OR TO VERIFY THE COMPUTER TARE WEIGHT AGAINST THE VEHICLES' ACTUAL TARE WEIGHT.

Enforcement

If your investigation shows that the timber tare weights are determined on a scale owned by the sawmill in error, and the seller is **not** being paid for the number of board feet of wood delivered take appropriate enforcement actions against the sawmill owner such as a citation or a Notice Of Proposed Action referring to **BPC 12512** for purchasing a commodity in less than the true quantity (as outlined in the citation section).

If your investigation shows that either the timber tare procedures or the software program results in inaccurate weighmaster certificates being issued, then issue a Notice of Violation. The NOV should state that “the weighmaster must cease using the procedure or software until type approval for use of the system has been granted by DMS.” Reference **BPC 12500.5**. Take additional enforcement actions such as issuing a citation for violation of **BPC 12718(e)** or a Notice Of Proposed Action (as outlined in the citation section).

TIMBER TARE WEIGHT VERIFICATION WORKSHEET							
Weighmaster License Name _____				Weighmaster License Number _____			
Deputy on Duty _____		Weighing Location _____		Date _____			
Timber Seller _____				Frequency of Update _____			
Trucking Co. _____		Make of Truck _____		Trk. Lic. _____		Trl. Lic. _____	
Does System Notify when Update is Needed: (Yes) _____ (No) _____				*Cribs / Inserts / Self Loaders: (Yes) _____ (No) _____			
	Date	Actual Vehicle Tare Weight		Date	Vehicle Tare Weight		Frequency Update
1			12				Date
2			13				Vehicle Tare Weight
3			14			2	
4			15			3	
5			16			4	
	Total		17			5	
	Average		18				Total
6			19				Average
7			20				
8			21				
9			22			3	
10			23			4	
11			24			5	
* Illegal to use unless permanently installed.							

MULTIPLE DRAFT WEIGHING OPERATIONS

Definitions

A multiple draft weighing operation of a combination of vehicles is a weighing operation whereby individual weights of connected vehicles in the combination are determined without the entire combination of vehicles resting on the scale platform simultaneously and without disconnecting the vehicles. Multiple draft static weighing operations and multiple draft weighing operations have the same meaning for the purpose of this article.

A single draft static weighing operation is a weighing procedure whereby the entire vehicle or combination of vehicles is resting on the scale platform simultaneously.

Authority Cited

Sections 12027, 12107 and 12735, California Business and Professions Code. Reference: Section 12728(d)(2), California Business and Professions Code.

Request for Authorization

A written request for authorization is limited to those operations where the applicant has complete control of all the vehicles and weighing device(s). The written request shall be submitted to the Department and shall contain the following information:

- The procedures that will be used in the multiple draft weighing operation. This shall include the specific weighing location, the weighing device(s) to be used, and the position of vehicles relative to the load-receiving element of the scale.
- The make, model and a unique identification designation for each individual vehicle.

Conditions of Use

1. The pulled vehicle shall not be equipped with a braking system.
2. The pulled vehicle shall have a minimum of two axles separated by such a distance that they completely support the load and also shall be equipped with a free-floating, non-rigidly mounted tongue.
3. A copy of the letter issued by the Department authorizing the multiple draft weighing operation shall be maintained at the weighing location and made available to a Sealer upon request.
4. All weights (gross and tare) shall be determined using the same authorized multiple draft weighing operation. "Gross Only" or "Tare Only" certificates are prohibited from being used when using a multiple draft weighing operation.
5. The use of predetermined individual tare or common tare weights for pulled vehicles are prohibited when using a multiple draft weighing operation.

6. A weighmaster shall not use a multiple draft weighing operation if for any reason it appears that the weights so determined may be beyond the tolerance level prescribed in Section 4495.5(f).
7. Multiple draft weighing operations may not be used by a weighmaster if a party having a legal or financial interest in the transaction notifies the weighmaster prior to the issuance of the certificate that a multiple draft weighing operation shall not be used.

Certificate Requirements

When a multiple draft weighing operation is used by a weighmaster to determine the net weight of a product, the following information shall appear on the certificate.

The fact that a multiple draft weighing operation is used by a weighmaster to determine the weights. This shall be designated by the words "Multiple Draft" immediately adjacent to both the gross and tare weights. The letters "MD" may be substituted for the words "Multiple Draft".

The identification of any connected vehicle not resting on the scale platform during certification.

These requirements are in addition to any other information required by California Business and Professions Code, Division 5, Chapter 7.

Establishment and Tolerances

Data shall be compiled showing that the method used in the multiple draft weighing operation for the specific location, vehicles, and connected combinations does not introduce or result in errors not in conformance with the requirements of this article when compared to a single draft weighing operation. All testing by the Department shall be consistent with verifying the accuracy of this method. If for any reason the verification testing fails or cannot be performed safely, testing will be terminated until the deficiencies are corrected and the written request for authorization is resubmitted to the Department.

The following procedures shall be used by Weights and Measures Officials for authorizing multiple draft weighing procedures:

1. The applicant shall provide accessibility to all identified equipment and they shall also provide assistance from trained facility representative(s) during the verification procedures.
2. All single draft weighings will be performed with the vehicle(s) positioned in approximately the same location on the load-receiving element of the weighing device.
3. Vehicles shall be tested as used in the normal course of business.
4. Multiple draft weighings shall be performed in accordance with the applicant's written procedures. A maximum of 30 single draft and 30 multiple draft net weightments shall be performed for each requested authorization.
5. At no time shall the net weights determined using a multiple draft weighing operation differ from those using a single draft weighing operation by more than twice the scale tolerance for that net load. A weightment that exceeds the established tolerance shall be sufficient grounds for the Department to deny authorization to use the multiple draft weighing procedure.

Determining Amount Of Tolerance

When performing a test to authorize or verify the multiple-draft method, the allowable difference between the net weights determined using a multiple-draft procedure versus the single-draft procedure is based on twice the scale accuracy tolerance applicable to that net load. Therefore:

Minimum Scale Division	Single-Draft Net Weight	Allowable Difference Between Multiple-Draft Net Weight and Single-Draft Net-Weight
5 lb	0 - 2500 lb	+/- 10 lb
	2505 - 5000 lb	+/- 20 lb
	5005 - 7500 lb	+/- 30 lb
	7505 - 10,000 lb	+/- 40 lb
	--	--
10 lb	0 - 5,000 lb	+/- 20 lb
	5010 - 10,000 lb	+/- 40 lb
	--	--
20 lb	0 - 10,000 lb	+/- 40 lb

Note: The deputy weighmaster establishing data for a multiple draft weighing operation or an inspector verifying the accuracy of a multiple draft weighing operation must comply with California Code of Regulations Section **UR.3.7**, minimum net load on a vehicle scale = 20 scale divisions.

Verification

When the gross weight or tare weight of a vehicle and connected combination is recorded on a weighmaster certificate, verification of that weight shall be made by reweighing the combination using the same multiple draft weighing operation authorized by the Department. At no time shall the reweigh weight differ from the recorded weight by more than twice the scale tolerance for that weighment.

If a multiple draft weighing operation is found to produce weights that are beyond the established tolerance, the Department shall issue an order stating that the multiple draft weighing operation shall not be used until it is re-established and re-authorized by the Department.

Only the approved procedure shall be used when using a multiple draft weighing operation.

Enforcement

Appropriate enforcement action for any weighmaster using a multiple draft weighing operation to issue weighmaster certificates, when the weights used are beyond the tolerances allowed for the approved combination of vehicles, is to issue a citation for issuance of a false weight certificate referring to **BPC 12718**.

Any weighmaster using a multiple draft weighing operation **without first** receiving approval from the Department will be issued a Notice of Violation directing the weighmaster to cease using multiple draft weighing procedures until the procedure is approved by the Division of Measurement Standards. Appropriate enforcement actions for subsequent violations are to issue a citation or a Notice of Proposed Action referring to **BPC 12728(d) (2)**.

MULTIPLE DRAFT WEIGHING WORKSHEET

Weighmaster Name _____ Weighmaster License Number _____
As It Appears On License
 Weighing Location _____ City _____ Date _____
Street Address
 Deputy Name _____ Scale _____ Model # _____ Serial # _____ Scale Division _____
Manufacture Minimum

Towing Vehicle Make	License Number	Towed Vehicle Make	License or Serial Number	Rigid Tongue		Axles Support Load		Position on Scale	Single Draft			Double Draft			Net Wt. Difference	Maximum Tolerance Lbs.
				Yes	No	Yes	No		G	T	N	G	T	N		
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Weights and Measures Official _____

SQUID
Volumetric Conversion to Weight
BPC 12027, 12723, 12735; CCR 4470 to 4472

The following conditions apply to containers used in volumetric conversion.

1. Containers used for removing squid from fishing boats shall be constructed of non-absorbent material and of such construction that they retain their shape when filled.
2. Only full containers removed from the boat shall be subject to volumetric conversion; squid removed in partially filled containers shall be weighed.

Each container shall be permanently marked on two sides, in numbers and letters at least three (3) inches (7.62 cm) in height, with the following information:

- The company name or code;
- The volume in cubic feet to the nearest 1/100 cubic foot; and
- The tare weight of the container.

A weighmaster certificate that establishes the weight of squid by volumetric conversion shall contain, in addition to the information required by Article 2 of this chapter, the following information:

1. Number of full containers removed.
2. Volume of each container (Volume = Height x Width x Length).
3. Weight of squid per cubic foot, as established by the Secretary (62.8 lbs/ft³).
4. Total weight determined by volumetric conversion:

(Total Weight = Number of Containers x Volume of Containers x Weight/Cubic Foot)

5. Number of partially filled containers.
6. Total net weight of squid in partially filled containers.
7. Total weight of squid received.

The above information may be shown in equation form:

EXAMPLE

Number of full containers	X	Volume of each container	=	Net weight determined by volumetric conversion
Net weight determined by volumetric conversion			X	Weight/cubic foot
	+			
Number of partially filled containers (actually in partially filled weighed)		Net weight of squid	-	TOTAL WEIGHT OF SQUID RECEIVED

A receipt, issued pursuant to **Sections 8011-8015 of the Fish and Game Code**, constitutes the issuance of a weighmaster certificate.